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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,326	09/23/1999	KYOUNG KIM	117694/KIM3	4525

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EXAMINER	
HSU, ALPUS	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/401,326	KIM, KYOUNG	
	Examiner	Art Unit	
	Alpus H. Hsu	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-11 and 13-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-11 and 13-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The finality of the previous office action is hereby withdrawn by the examiner, and the prosecution on the merits of this application is reopened on claims 2-11, 13-23 considered unpatentable for the reasons indicated below:

The indicated allowability of claims 2-11, 13-23 is withdrawn in view of the newly discovered defects of non-enablement. Rejections based on the newly discovered defects of non-enablement follow.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2-11, 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claimed subject matters of "a method and system of controlling call admission in a communications network, by calculating a load level as a function of at least one of a difference between a current measured power and a previous measured power and a difference between a current number of users and a previous number of users; and controlling call admission based on the calculated load level, wherein said calculating step recursively calculates updated load levels" as in claims 2, 3, 13 and 14, "a method and system of controlling call admission in a communications network, by calculating a load level as a function of previous and current measured powers or previous and current number of users; and controlling call admission based on the calculated load level, wherein said calculating step recursively updates load level as a

function of previous and current number of users" as in claims 5 and 16, and "a method and system of controlling call admission in a communications network, by calculating a load level as a function of previous and current measured powers or previous and current number of users; and controlling call admission based on the calculated load level, wherein said calculating step recursively updates load level as a function of previous and current measured powers" as in claims 6 and 17, all were not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

To be more specific, according to pages 7-9 of the specification disclosure and Figure 2, there are three load level estimating methods (steps 220, 226 and 232), each requires specific prerequisites for performing individual method. For instance, the **method one** requires the measurements of old and new power measurements and number of user values (steps 204 & 208), counter = 1 (step 214), and | N*new* - N*old* | is at least equal to N*th* (step 220). For the **method two**, it requires the measurements of old and new power measurements and number of user values (steps 204 & 208), counter not equal to 1 (step 214), and the post steps of calculating an estimate of P*new*, P*new'* , using L*new* (step 228) and comparison of P*new'* to actual base station receive power measurement to be reasonably close (step 230) to confirm that the second load level estimating method yields a reasonably accurate result. As for the method three, it requires the measurements of old and new power measurements and number of user values (steps 204 & 208), counter not equal to 1 (step 214), and the post steps of calculating an estimate of P*new*, P*new'* , using L*new* (step 228) and comparison of P*new'* to actual base station receive power measurement **not** sufficiently close (step 230).

Furthermore, it is also improper for claims 9-11 to depend on claim 6 and claims 20-22 to depend on claim 17, respectively, since all steps in claims 9-11 require the prerequisite steps of claim 7, and all steps in claims 20-22 require the prerequisite steps of claim 18.

Overall, all three load level estimating methods are correlated to one another, and each requires its own prerequisites to be performed. And nowhere in the disclosure implies that any method can stand alone as the sole means for calculating the load level recursively to control call admission. Therefore, claims 2-11, 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement for the reasoning as indicated above.

4. In view of the above rejection regarding 112, 1st paragraph for non-enablement, no prior art rejection can be applied at this time.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Padovani and Antonio et al. are both cited to show the method and apparatus for reverse link load estimation for call admission control utilizing recursive steps similar to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

Alpus H. Hsu
Primary Examiner
Art Unit 2665